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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 21-CR-243-CRB
)	
Plaintiff,)	DETENTION ORDER
)	
v.)	
)	
MILTON THOMAS,)	
)	
Defendant.)	

On June 10, 2021, defendant Milton Thomas was charged by Indictment with being a prohibited person in possession of ammunition, in violation of 18 U.S.C. § 922(g)(1).

This matter came before the Court on January 21, 2022, for a detention hearing. The defendant was present and represented by Assistant Federal Public Defender Gabriela Bischof. Assistant United States Attorney Joseph Tartakovsky appeared for the government. The government moved for detention, and the defendant opposed. At the hearing, counsel submitted proffers and arguments regarding detention, as well as a San Francisco Police Department report and photographic evidence.

Upon consideration of the facts, evidence, proffers, and arguments presented, and for the reasons stated on the record, the Court finds by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. Accordingly, the

1 defendant must be detained pending trial in this matter.

2 The present order supplements the Court’s findings and order at the detention hearing and serves
3 as written findings of fact and a statement of reasons as required by 18 U.S.C. § 3142(i)(1). As noted on
4 the record, the Court makes the following findings as the bases for its conclusion:

5 The defendant is charged with illegally possessing ammunition. Specifically, the Indictment
6 alleges that the defendant possessed “[t]wenty-seven cartridges of ammunition were loaded into an
7 extended magazine that was attached to a Privately Manufactured Firearm, and one cartridge was in the
8 firearm’s chamber.” Dkt. 1. The arrest on this charge occurred in the Tenderloin District. The
9 defendant was released on conditions on August 31, 2021. Dkt. 5.

10 The court received a San Francisco Police Department report that contains credible allegations
11 from an eyewitness who claimed that Mr. Thomas threatened repeatedly to shoot him with a gun while
12 they both stood in or near a liquor store in the Tenderloin District. While an officer was interviewing
13 that victim, the victim pointed out the suspect who threatened him as the suspect was nearby. An officer
14 recognized the suspect as Mr. Thomas, as the officer knew Mr. Thomas from prior contacts. According
15 to the police report, Mr. Thomas saw the officers and fled on foot. He was later arrested on state
16 charges of exhibiting a weapon and making threats.

17 The government represented that the circumstances of this arrest were similar to the
18 circumstances of Thomas’s arrest on the instant federal charge. Specifically, in 2020, Mr. Thomas was
19 arrested after SFPD officers received a report that Mr. Thomas menaced someone with a firearm. Police
20 began looking for Thomas and found him in the Tenderloin. Thomas refused to stop when requested by
21 police and was arrested with a gun and ammunition. He was wearing rubber gloves in the middle of the
22 day.

23 The Court also notes that the parties agree that Mr. Thomas has three prior convictions for
24 firearm- or ammunition-related offenses, including a 60-month sentence imposed by a judge of the U.S.
25 District Court for the Northern District of California, for a violation of 18 U.S.C. § 922(g)(1). *United*
26 *States v. Thomas*, 3:03-cr-00082-CRB-1. The record of that case reflects six Probation Form 12
27 petitions filed against Mr. Thomas. *See id.* at Dkt. 32 (1/02/2008), 33 (2/11/2008), 42 (4/17/2008), 43
28 (6/10/2008), 49 (7/10/2008), 69 (2/25/2009). Furthermore, Judge Breyer twice revoked Mr. Thomas’s

1 supervised released after a total of eight supervised-release violations. *See id.* at 68 (12/19/2008), 84
2 (7/16/2009).

3 This finding is made without prejudice to the defendant's right to seek review of defendant's
4 detention or to file a motion for reconsideration if circumstances warrant it.

5 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

6 1. The defendant be, and hereby is, committed to the custody of the Attorney General for
7 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving
8 sentences or being held in custody pending appeal;

9 2. The defendant be afforded reasonable opportunity for private consultation with counsel;
10 and

11 3. On order of a court of the United States or on request of an attorney for the government,
12 the person in charge of the corrections facility in which the defendant is confined shall deliver the
13 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a
14 court proceeding.

15 IT IS SO ORDERED.

16
17 DATED: January 24, 2022


HONORABLE SALLIE KIM
United States Magistrate Judge